

SHAQUILLE HOLLINGSWORTH,)
)
Plaintiff,)
)
v.) No. 1:19-cv-03806-TWP-DML
)
DANIEL KEPLER, et al.)
)
Defendants.)

**Order Screening Complaint
and Directing Plaintiff to Show Cause**

Mr. Hollingsworth alleges in his complaint that Detective Hollingsworth violated his rights when he was charged with murder, felony murder, armed robbery, and possession of marijuana. He states that he was charged with these crimes on November 9, 2015. These claims appear to be the exact claims that Mr. Hollingsworth pursued in *Hollingsworth v. Kepler, et al.*, 1:17-cv-1694-JRS-DML. In that case, Mr. Hollingsworth sued Detective Kepler and others based on the same

prosecution he references in the complaint in this case. Those claims were dismissed through final judgment on the merits on April 8, 2019.

This action cannot proceed if the Court is satisfied that it is malicious, meaning that it was filed for the purpose of harassing the defendants. *Lindell v. McCallum*, 352 F.3d 1107, 1109 (7th Cir. 2003). Suing individuals for claims that have already been resolved on the merits is malicious. The Court notes that a motion for reconsideration is pending in the previously-resolved case. Such a motion is the proper way to challenge the resolution of that case. Filing this new lawsuit based on the same claims is not.

Based on the Court's screening of the plaintiff's complaint, the complaint is found to be filed for the purpose of harassment because it presents the exact same claims that have recently been resolved in another case in this Court. The complaint is **dismissed**. Mr. Hollingsworth shall have **through October 10, 2019**, to show cause why this action should not be dismissed as malicious and final judgment entered.

IT IS SO ORDERED.

Date: 9/11/2019



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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